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APPLICATION NO.	FILING DATE,	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,288	10/08/2003	Toby Freyman	12013/48901 4217	
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SUITE 700 WASHINGTO	N. DC 20005		ART UNIT	PAPER NUMBER
	,		3734	
SHORTENED STATUTOR	RY PERIOD OF RESPONSE	MAIL DATE	DELIVER	Y MODE
31 DAVS		12/18/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Application No. Application Application Application Application Ap		Amulia atam Na	Applicant(a)				
## Examiner Art Unit 3734 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the possible of 37 CFR 1.136(b). In no event, however, may a leight be timely filled in 1/10 period for risky with by the same with the communication replay and live under the providence of 37 CFR 1.136(b). In no event, however, may a leight be timely filled in 1/10 period for risky with by the same of the risky with by the same plant team deplantation. See 37 CFR 1.73(d). **Status** 1)② Responsive to communication(s) filed on 08 October 2003.** 2a)□ This action is FINAL. 2b)② This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. **Disposition of Claims** 4)② Claim(s)121 is/are pending in the application. 4)② Claim(s)124 are subject to restriction and/or election requirement. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed onis/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.121(d). The order of rederation is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119	:						
Victor X. Nguyen 3734	Office Action Summary						
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Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE WAILING DATE OF THIS COMMUNICATION. Expressions of time may be sealable under the provisions of 37 CFR 1.35(a), in no event, however, may a risky be timely filled. Expression of time may be sealable under the provisions of 37 CFR 1.35(a), in no event, however, may a risky be timely filled. If NO pands for reply is specified above, the maximum statulory priorid what gap that will expire Kig MONTHS from the maining date of this communication. Failures to raply within the set of extended period for raply will, by stands, cause the application to become ABANDONED (35 U.S. C.§ 133), Any reply reconsider them adjustment. See 97 CFR 1.75(b). Status 1) Responsive to communication(s) filled on <u>08 October 2003.</u> 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are rejected. 7) Claim(s) is/are rejected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The paper formal provided to be the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) Homeshood by the priority documents have been received in Application No	The MAILING DATE of this communication ann						
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Application/Control Number: 10/680,288 Page 2

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DETAILED ACTION

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to an apparatus for determining the orientation of a medical device, classified in class 606, subclass 108.
- II. Claims 6-12, drawn to a method of using a catheter, classified in class 604, subclass 500.
- III. Claims 13-17, drawn to a system for determining the orientation of a medical device, classified in class 604, subclass 508.
- IV. Claims 18-21, drawn to a method of determining the orientation of a medical device, classified in class 128, subclass 898.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as product and process for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different product, or (2) the product as claimed can be used to practice another and materially different process of using that product. (MPEP § 806.05(h)). In this case the product as claimed can be used to practice another and materially different process, such as a medical device that does not include a catheter which becomes curved within a patient's body. The method of invention II does not recite the steps necessitating the need to determine the orientation of the distal end of the catheter as recited, and therefore is not limited to be performed by the medical device of invention I. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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3. Inventions III and IV are related as product and process for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different product, or (2) the product as claimed can be used to practice another and materially different process of using that product. (MPEP § 806.05(h)). In this case the product as claimed can be used to practice another and materially different process, such as a system that does not include an imaging device. The method of invention IV does not recite the steps necessitating the need to determine the orientation of the distal end of the catheter as recited, and therefore is not limited to be performed by the system of invention III. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X. Nguyen whose telephone number is (571) 272-4699. The examiner can normally be reached on M-F (8-4.30 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4697. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Victor X Nguyen May Traps

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Examiner

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VN 12/8/2006

MICHAEL J. HAYES
SUPERVISORY PATENT EXAMINER